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SWAN Sites

Department of Health and Environmental Sciences  
STATE OF MONTANA HELENA, MONTANA 59601

STATE DOCUMENTS

MAR 2 1974

KALISPELL REGIONAL OFFICE-Box 1031-Kalispell, MT 59901

John S. Anderson M.D.  
DIRECTOR

March 20, 1974

Subject: Swan Sites No. 2, Subdivision

Gentlemen:

The enclosed Final Environmental Impact Statement has been prepared for the proposed subdivision, Swan Sites, No. 2, located on the northwest part of Swan Lake, in Lake County, Montana.

Sincerely,

*David Nunnallee*

David Nunnallee, P.E.  
Public Health Engineer  
Environmental Sciences Division

DN:jh

Enclosure

MONTANA STATE LIBRARY  
930 East Lyndale Avenue  
Helena, Montana 59601

Montana State Library



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FINAL

ENVIRONMENTAL IMPACT STATEMENT

for

SWAN SITES #2 SUBDIVISION

North end Swan Lake, Lake County, Montana

Pursuant to Montana Environmental Policy Act, Section 69-6504 (b) (3), Section 69-5001 to 5005 concerning the filing of maps of plats for subdivisions designed to insure that the various types of water and sewer facilities both public and private are related to the size of lots, contours of land, porosity of soil, groundwater level, type of construction of private water and sewage facilities and other factors affecting public health and Section 69-4801 to 4827, an act to control water pollution, the following statement is made concerning Swan Sites No. 2, a proposed subdivision located adjacent to Swan Lake, Lake County, Montana.

Description of Project and Proposed Action:

The Montana State Department of Health and Environmental Sciences has received a subdivision plat for Swan Sites #2, owned and to be developed by F. H. Stoltze Land & Lumber Company of Columbia Falls. The Draft Impact Statement for this subdivision was circulated on January 17, 1973.

The proposed subdivision is located in portions of Sections 10, 11, and 14 Township 26 North, Range 19 West, PMM, and includes approximately two miles of waterfront property on Swan River and Swan Lake. Since the Draft Statement was prepared, the scope of this subdivision has changed somewhat. Of the 360 acres discussed in the Draft Statement, only 99.8 acres are slated for development in this subdivision, including all of the Swan River and Swan Lake waterfront (approximately 2 miles) discussed previously, plus some 540 feet of frontage on nearby Loon Lake, also discussed previously. Omitted at this time are the interior areas lying to the west of Swan River and Swan Lake (see attached map). Of the 99.8 acres contemplated for subdivision, about 17 acres would be roads, about 2 acres community area, and about 7½ acres would be parks. The remainder would consist of 55 lots on Swan River and Swan Lake, and 4 lots on the east side of Loon Lake.

The Draft Impact Statement discussed some 3600 feet of waterfront in the northern part of the subdivision which originally had been slated for 22 lots, but had been withdrawn because of slow percolation rates and high groundwater. For the purposes of this statement, this property has been resubmitted as six lots ranging from 1 to 10 acres in size, the larger lots oriented in the least suitable areas. Of these lots only two (northernmost part) are less than 1½ acres, and the other four range between 4 and 10 acres. Those lots exceeding 5 acres (including 2400 ft. of riverfront) are out of this office's jurisdiction and will not be further considered here.



State Subdivision Laws:

The legal status of Swan Sites #2 Subdivision, relative to filing with Lake County, is in a somewhat gray area as the State Subdivision Laws have changed substantially since the original subdivision submittal. The preliminary submittal was received by the State in August, 1972. The Draft Impact Statement was distributed in January, 1973. The new subdivision laws became effective July, 1973. The final plat was received December 28, 1973. At the present time, eight months have elapsed with the new law in effect. The question is whether the Swan Sites #2 Subdivision should be reviewed under the new law or under the old law. The new subdivision law, being more restrictive, would designate some 33 of the 59 lots as too small, because minimum lot size is now 1.0 acre for individual water and sewer. The minimum size under the old law was 0.5 acre. The arguments in both directions are rather obvious:

- (1) The new law has been in effect for some time. To treat a subdivision under the old law would be to circumvent the intent of the new law.
- (2) The layout of the subdivision has changed little since the preliminary plat was submitted. All changes that have been made have been in the nature of enlarging or eliminating lots. The subdivision was discussed by environmental impact statement prior to the new law. To shift the requirements now would be unfair to the developer.

Both arguments have merit. The policy of the State in the past has been to handle a subdivision according to those regulations effective when it was submitted in an acceptable form. Therefore, the decision is here made to handle Swan Sites #2 Subdivision according to the old subdivision law.

Topography:

The topography in the area is quite variable. A number of swamps and pothole lakes exist to the west of the subdivision, but little standing water, save Loon and Swan Lakes, are encountered within the subdivision limits. The four lots on Loon Lake are fairly large, occupying a total of 10 acres

One lot includes a low seepage area, but all 4 lots are large enough to meet the groundwater and surface water separation requirements of this Department. The Loon Lake lots are forested. The remaining 55 waterfront lots along Swan Lake and Swan River have been selectively logged. Of these 55 lots, 49 are on high ground, well above the water table, 3 are moderately suitable, one is highly questionable because of slow percolation, and the other two exceed 5 acres and are not under this Department's jurisdiction.



Surrounding Development:

The entire subdivision is within a picturesque and truly beautiful area with little present development. Much of the area within Sections 10 and 11 is cleared, while Section 14 is heavily timbered and contains small, deep potholes with steep banks. The waterfront lots along Swan River and Swan Lake are very scenic, with views of the water and the distant land. A portion of the properties on the opposite side of the lake and north of The Terrace restaurant have been previously subdivided, and structures are beginning to dot the shoreline.

West of Swan Sites #2 there is little development activity, although logging has been in progress for some time. Approximately 260 acres of this land is potential future development area under Stoltze Land & Lumber Co. ownership.

South of Swan Sites #2 lies about  $1\frac{1}{2}$  miles of Swan Lake shoreline under private ownership, with most of the remaining shoreline further to the south under Federal ownership. The private land is primarily undeveloped, except for an old lodge and surrounding buildings and a few sparse cabins.

North of Swan Sites #2, and north of the county bridge, the West side of Swan River is dotted with cabins, apparently the result of older subdivision, which did not undergo State review.

Sewage Disposal:

The proposed method of sewage disposal is by means of individual septic tanks and drainfields. As the soil in the area varies from rocky glacial deposits in the south to tight fine sediments in the north, the soil percolation rate and capacity to receive sewage varies accordingly.

Of the 59 lots under review in the proposed subdivision, all but one have percolation rates adequate for sewage disposal. Until adequate percolation rates are demonstrated for that lot, subsurface sewage disposal will not be permitted.

Some 2400 feet of riverfront in the north part of the subdivision exhibits very slow percolation rates, up to 4 hours per inch, but this area is subdivided into lots exceeding 5 acres, thus not under review here.

Water Supply:

Water is to be supplied by individual wells, to be constructed by lot owners. Two wells drilled in Sections 14 and 11, but on the opposite side of Swan River/Swan Lake, found water at 110 feet and 125 feet, and delivered 40 gpm and 36 gpm respectively. It can be assumed from this that well water is very probably available throughout the proposed subdivision.





Individual water intakes in Swan River and Swan Lake would be expressly prohibited for this subdivision for several reasons. First, routine State water quality monitoring at the county bridge, just downstream of the subdivision has indicated that coliform bacterial levels average about 100 organisms per 100 ml, which is fairly high and certainly inadequate as a drinking water source without chlorination. Second, well water is available. Third, a number of lot owners across the river, and also downstream of Swan Sites #2, have caused severe turbidity problems in Swan River in the past year while constructing water intakes in the stream bed. This normally involves the use of heavy equipment in the stream and results in the violation of water quality standards. Such activity would be prohibited in Swan Sites #2.

Covenants:

Stoltze Land & Lumber Company has submitted covenants for Swan Sites #2. Portions of the covenants of interest to this Department include the following:

- (1) Structures limited to single family dwellings.
- (2) Lots to be used only for residential purposes.
- (3) Waterfront lots have a required 70-foot setback for buildings.
- (4) No animals can be pastured as to permit them to water in Swan River, Swan Lake, or Loon Lake.
- (5) Rubbish heaps prohibited
- (6) Individual sewage disposal facilities to meet all requirements and recommendations of this Department.
- (7) No lots will be further subdivided.

The covenants do not prohibit trailer houses in the subdivision.

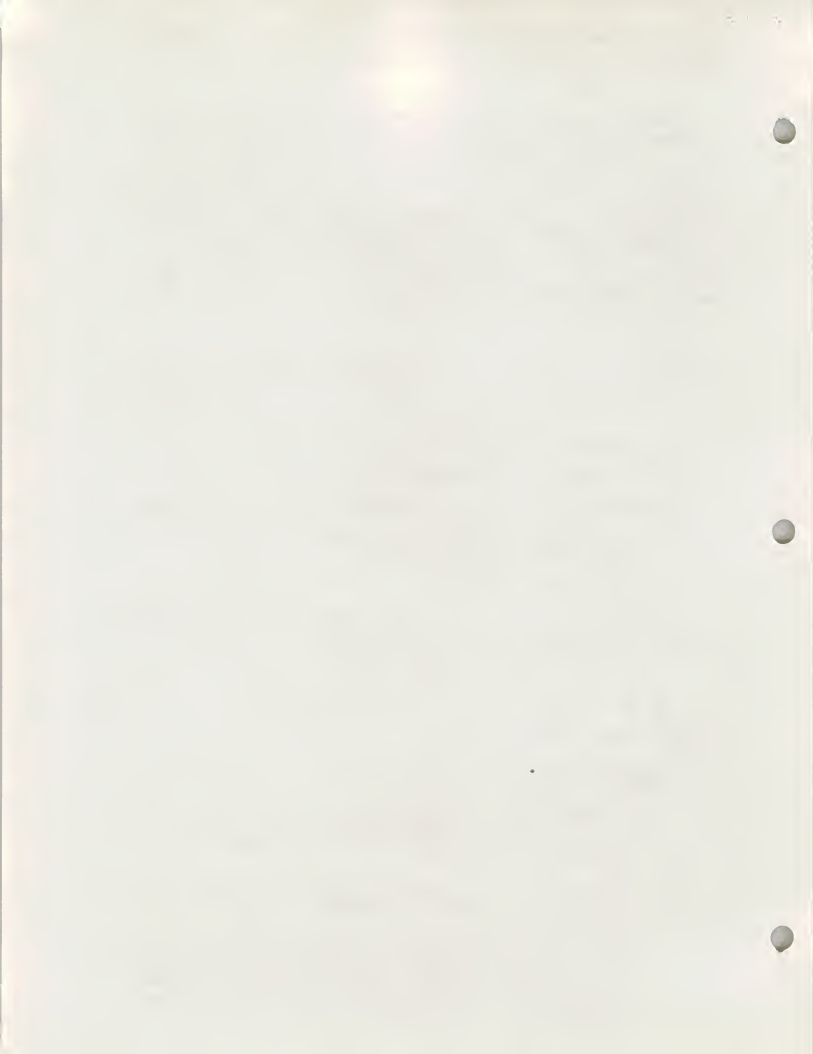
Public Response to Draft Statement:

The draft impact statement, circulated in January, 1973 drew eight responses (copies attached) as follows:

- (1) Montana Department of Fish & Game-Indicated the area is a very important segment of Montana's fishery, whitetail deer winter range and ruffed grouse habitat. Other game species which use the area were specified.

The response indicated that these habitats would be adversely affected by Swan Sites #2 Subdivision.

The letter further recommended that public access be provided to Swan River and Swan Lake. The writer here notes that 80 feet of Swan River waterfront has been designated park, presumably open to the public access. Also, 7.2 acres of interior land has been designated park, in a very pastoral portion of the area east of Loon Lake.



- (2) Montana Dept. Intergovernmental Relations-Suggested that the 50-foot covenant building for setbacks from lakes or river is inadequate. The writer here notes that the covenants have been modified to 70 feet. Also, State regulations require 100 feet setback for sewage drainfields. If buyers choose to build close to the water, they will have no alternative but to install a pump to move the sewage the required distance back from the watercourse.

The letter also recommended covenants to blend structures aesthetically with the surroundings. The writer here notes that this recommendation has been incorporated in the protective covenants for those lots visible from the Swan Highway, as follows: "Section 8. Building Color Standards. All buildings constructed on Lots 14 through 62 such as living residences, garages, pump houses, sheds, barns, boat docks, etc. shall be painted or stained on the exterior with the darker shades of colors such as browns and greens or finished to preserve the natural color of the wood siding, if wood is utilized."

The letter also recommended protection of original top soils in construction areas.

- (3) University of Montana, Dept. of Anthropology-Recommended a one-day archaeological field survey of the site to determine the historical value of the area. Estimated a cost of \$100 for the work.
- (4) Montana Environmental Quality Council-Two letters-The first requesting more details on the handling of solid wastes. The writer here notes that Lake County maintains the nearby Johnson Creek satellite dump, which would serve this area. Garbage transport would be an individual responsibility

The second letter summarized the other responses discussed herein, and directed the writer to fully consider all questions raised. Hopefully, this has been done. The reader is referred to the Environmental Quality Council letter attached hereto.

- (5) U.S. Forest Service-Swan Lake Ranger District-The Swan Lake Ranger District presented several comments. First, the subdivision would limit whitetail deer winter range. This was also indicated by the Montana Fish & Game Department. The writer concurs that this will probably constitute an adverse impact by Swan Sites #2.

Secondly, the Forest Service, having done some use inventory work in the area, was concerned that boat access to Swan Lake is inadequate relative to the present shoreline development and that Swan Sites #2 would worsen the situation. The writer notes here that Lake County access lands are available in Swan Sites #1 on the west side of Swan River, and that Swan Sites #2 would leave an 80-foot county access on the east side of Swan River



as well. Development of these sites would be a county responsibility, but the land is legally set aside.

Thirdly, the Forest Service commented on the 50-foot covenant setback. This was discussed under the Montana Dept. Intergovernmental Relations section.

- (6) Montana Historical Society-The Montana Historical Society expressed concern for preserving the old Con Kelley summer estate, the associated C. M. Russell petroglyphs, and the site where the last Russell painting was created. As pointed out in a letter from the Stoltz Land & Lumber Co., the Kelley Estate and petroglyphs are across Swan River from the proposed Swan Site #2 Subdivision. The writer also notes that the site of "The Last Russell" is being set aside as Common Area No. 1, a two-acre parcel with some 300 feet of waterfront, for the common use of the Swan Site #2 owners. This area will not be developed.
- (7) Flathead Wildlife, Incorporated-Expressed concern for loss of wildlife habitat, particularly winter range, loss of public access to "a good stretch of fly fishing water" in the Swan River, the need for a boat launch site, and the possibility of water pollution due to tight soil conditions.

All of the above are discussed previously except perhaps the fishing access to Swan River. As mentioned above, an 80-foot county park is being set aside approximately 1300 feet upstream of the county bridge. While this may be far less satisfactory than access to the entire area, it will at least allow some public fishing access to the area.

#### Probable Impact on Environment:

There is little question that a large subdivision along Swan Lake and Swan River will have a definite impact on the area, particularly aesthetically. The sudden influx of some 59 lot owners and their families into this small area will permanently alter the northwest shoreline of Swan Lake from its present undeveloped state to one of increasing residential density until the area is completely developed. As far as the general public is concerned, access will be greatly restricted although not eliminated. Any game range in the subdivision will be reduced or eliminated, as most wild game prefers uninhabited areas. The undeveloped and scenic west shore of Swan Lake will give rise to cabins, outbuildings and docks. The covenants discussed above will help to some degree in preserving the local aesthetics.

Boat use of the lake will presumably increase. Fishing pressure will increase on Swan River and Swan Lake, as will fishing and hunting pressure in the surrounding area. Some air pollution will occur as land is cleared and the slash burned, as well as from vehicle traffic on unpaved roads. As with any subdivision or development, the local aesthetics and quality of recreation will tend to decrease as human population increases.



### Short Term vs. Long Term Uses of the Environment:

Recreational subdivision is inherently a short term use of land, the results of which are quite permanent. Once an area has been subdivided, if history is any guide, it will remain in multiple ownership for the foreseeable future, and as such a subdivision will permanently be in conflict with any other types of land use in the area. The property owners within the subdivision will derive long term recreational benefits, but the general public will be denied most of these benefits. Only condemnation by some branch of government would be capable of dissolving subdivision lines such that the land could be used for other purposes.

### Irreversible and Irretrievable Commitments of Resources:

As discussed above, subdivision of land must be considered an irreversible commitment of the land. While subdivision laws, and eventually county wide zoning, will eventually reduce subdivision and speculation in northwest Montana, there is no way that new laws or zoning ordinances can be applied in a retroactive manner. Therefore, any subdivisions which are legally filed and approved will be in existence indefinitely, and are an irreversible commitment of the land resource.

### Alternatives to Proposed Action:

- (1) No Development:  
The area could be left in its natural state with no development or subdivision.
- (2) Forest Resource Management:  
The area is currently being logged, so presumably the land would be capable of raising future crops of timber. The area is under the ownership of a single timber and development company which would have the ability and reason for managing the land for the purpose of logging. Short term returns obviously would not be as great as with subdivision, but the land could yield timber crops indefinitely, and at the same time be usable for many other nonconflicting uses. County tax assessments in this waterfront area tend to make forest management unfeasible.
- (3) Preservation of the Area:  
The area could be permanently set aside as a park or as any of several types of preserves. The area would thus be permanently made available for the benefit of this and future generations. Obviously the land is valuable, and one could not expect a single owner to simply give up the land. Some interested governmental agency, municipality, or private group would have to purchase the land for preservation. The U. S. Forest Service reportedly was approached with regard to a land trade or a park site in this area, but federal funds for this purpose were not available.





(4) Farming:

The area has been used in part for farm purposes for many years. It is not known how valuable the land is for farming, but it appears marginal. It is possible that better management of the land could make this a reasonably productive farming area.

Recommendations:

It is recommended that the Swan Sites #2 Subdivision be approved, subject to the following conditions:

- (1) Lots 3, 4, 5, and 6, occupying the northerly portion of the subdivision, permanently combined by covenants into two lots in excess of 5 acres each, are excluded from review or approval.
- (2) Subsurface sewage disposal would be prohibited on Lot 7, until such time as adequate soil percolation can be demonstrated.
- (3) Required subsurface sewage drainfield sizes would be listed for all lots, as a function of observed soil percolation rates.
- (4) Surface water intakes, for domestic use, in Swan River and Swan Lake, would be prohibited, as discussed in this statement.

Sources of Information:

Data and information used in this statement was supplied by the developer. The writer's personal knowledge of the area, and a field inspection with the developer's representative, also aided in this preparation.

This Statement has been prepared by:

David Nunnallee, BSCE, MSCE, PE, Public Health Engineer for the Montana State Department of Health and Environmental Sciences. Related experience includes five years of work as a sanitary engineer for the States of Washington and Montana.



COPIES SENT TO:

Mr. Dennis Swift, Forester, F. H. Stoltze Land & Lumber Co., Columbia Falls, MT  
Mr Fletcher Newby, Montana Environmental Quality Council, Helena, MT 59601  
Montana Fish and Game Department, Kalispell Div.  
Montana Fish and Game Department, Helena  
Montana State Department of Health & Env. Sciences, Helena Attn: Art Clarkson  
Montana Department of Planning and Economic Development, Helena  
Mr. Ben Wake, Adm. Environmental Sciences Div , Helena  
Forest Supervisor, USDA Forest Service Flathead Nat'l Forest Box 147 Kalispell  
Swan Lake Ranger District, USDA Forest Service Attn: Bill Pederson Bigfork  
Board of County Commissioners, Lake County, Polson, MT 59860  
Mr. Al Hawkaluk, Lake County Sanitarian, Polson, MT 59860  
Mr. Wayne Herman, President, Flathead Wildlife, Inc. Box 4 Kalispell  
Ralph Campbell M.D. Lake County Health Office, Polson, MT 59860  
Mr. John Cochrane, Flathead Lakers, Inc. Box 447 Big Arm, MT 59910  
Dr. Lawrence Sonstelie, President, FVCC Ecology Club, Kalispell  
Polson Outdoors, Inc. Box 1432 Polson, 59860  
Student Environmental Research Center Room 212 Venture Center, Missoula, MT 59801  
Echo Lake Improvement Area Assoc. Attn: Mrs. Nina Fletcher Rt. 1 Bigfork  
Seeley Lake Conservation Group, R. H Hultman, Seeley Lake, MT 59868  
Swan Citizen Conservation Council, Bryce Wiscarson, Seeley Lake, MT 59868  
Mr. Jack Whitney, Bigfork, MT 59911  
Mr Elmer Sprunger, Bigfork, MT 59911  
Flathead Tomorrow Kathy Thompson Pres., Box 173 Bigfork, MT 59911  
Montana Historical Society; Dr. Sam Giluly, Director Helena  
Montana State Library 930 E. Lyndale Ave. Helena  
Regional Planning Assoc. of Western Montana 133 W. Main St. Missoula, MT 59801







# FLATHEAD WILDLIFE, Inc.

P. O. BOX 4  
KALISPELL, MONTANA

February 11, 1973

Dave Nunnallee  
Public Health Engineer  
P.O. Box 1031  
Kalispell, Montana 59901

Dear Mr. Nunnallee:

At the February 8 meeting of Flathead Wildlife, Inc the Environmental Impact Statement for the proposed Swan Sites No. 2 was discussed.

Concern was expressed for the loss of Wildlife habitat, particularly winter range.

Also a good stretch of fly fishing water from the bridge south to Swan Lake, which would undoubtedly be closed to the public.

It was strongly felt that a boat launching area should be allowed for in this subdivision. An area pointed out was a location called the old Hodges landing just south and west of where Swan River leaves the lake. This location is considered not adequate for a home sight, but a natural area for boat launching and picnic area. It is also reportedly a historical site where Charlie Russell painted one of his last paintings. More information can be obtained by contacting Jack Whitney or Elmer Springer of Bigfork.

If this subdivision is allowed, percolation tests for each lot is important, as stated in the impact statement, with the results of these tests determining the size and location of the lots. Every precaution should be taken to protect the quality of the water in this beautiful area.

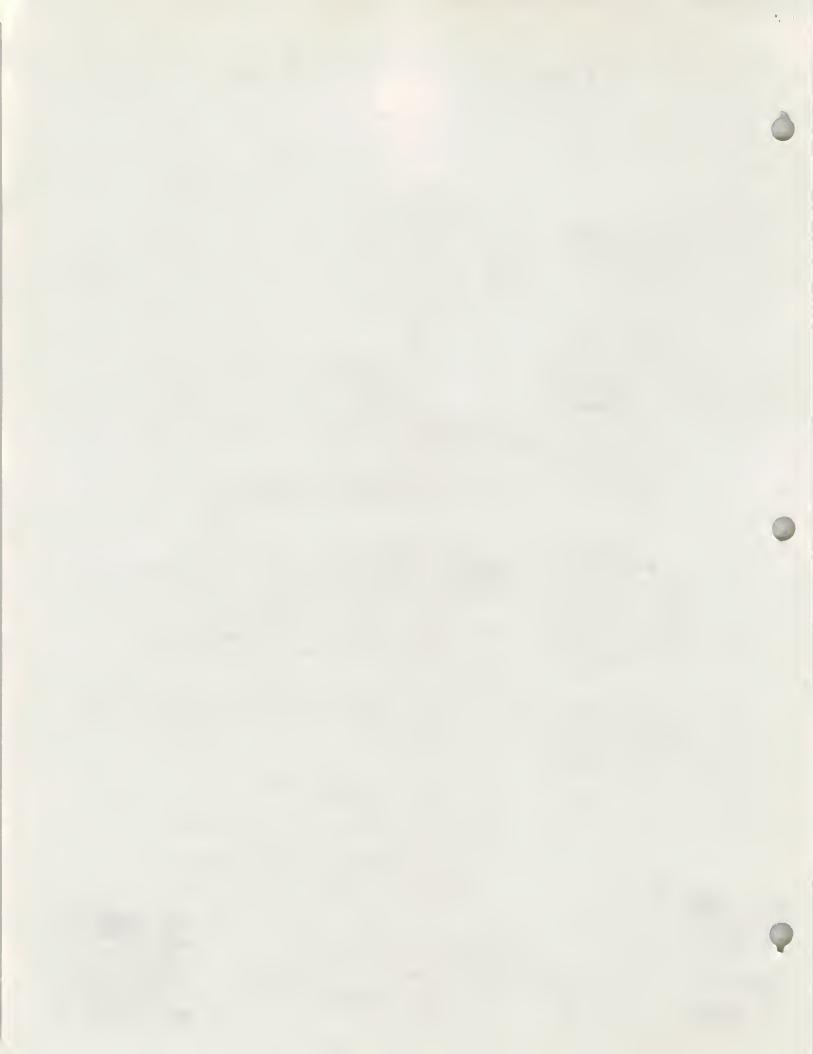
Sincerely,

*Wayne E. Herman*

Wayne E. Herman, President  
Flathead Wildlife, Inc.

The Wealth Of Our Nation is in Its Natural Resources  
Preserve It By Conservation, Not Conversation







STATE OF MONTANA  
DEPARTMENT OF FISH AND GAME  
HELENA, MONTANA

RECEIVED  
FEB 23 1973  
Edna M. Robbins

## Office Memorandum

TO : Wes Woodgerd

Attn: Jim Posewitz

DATE: Feb. 23, 1973

FROM : Tom Hay

By: Otis Robbins

SUBJECT: Environmental Impact Statement --- Swan Sites No. 2 Subdivision

The proposed Swan Sites No. 2 Subdivision is located along Swan River and Swan Lake in Lake County, Montana. The subdivision includes about 360 acres, but only 61 acres are to be subdivided into lots less than 5 acres. Fifty water front lots would be located along 1.3 miles of Swan Lake and River.

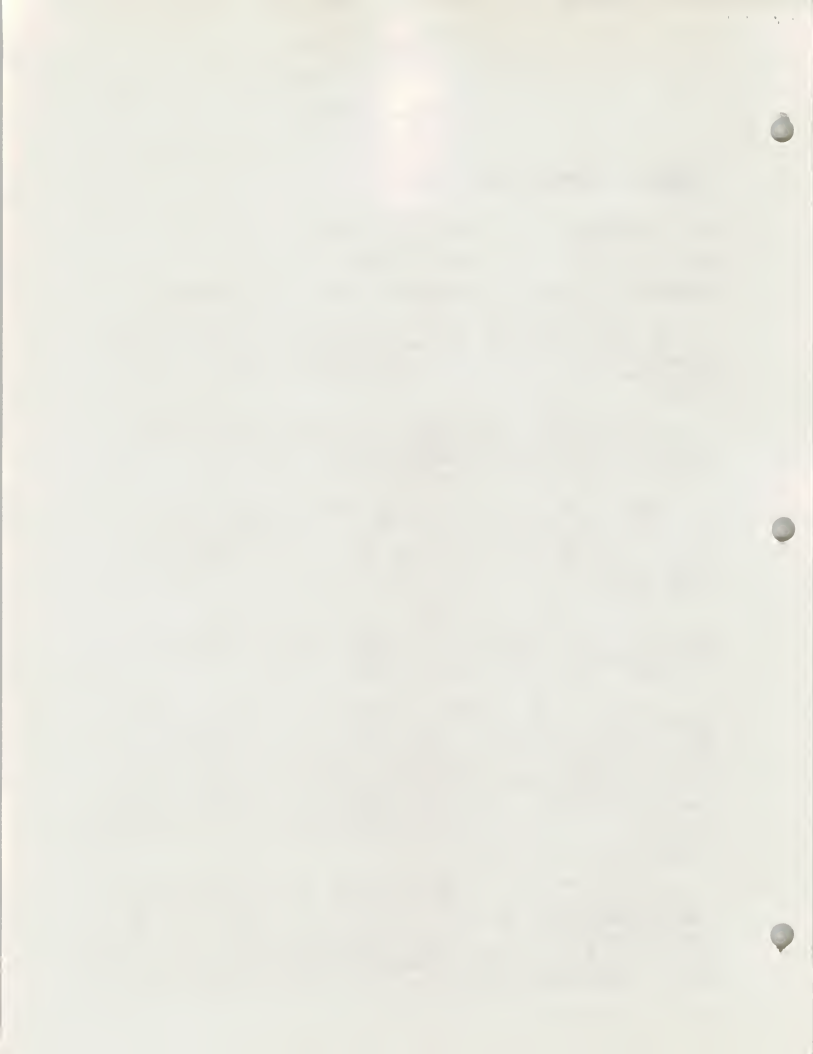
Swan Lake and Swan River are very important segments of the fishery in Montana. In both of these waters and their tributaries westslope cut-throat trout (an endangered species), Dolly Varden, kokanee salmon, brook and rainbow trout are found, as well as other non-game species.

This subdivision is a part of a very important white-tailed deer winter range that is also used at times by elk. In addition, it is important year-round habitat of ruffed grouse as well as some Franklin's grouse. Black bear occasionally use the area. Waterfowl, including Canada geese and several species of ducks, use Swan Lake, Swan River and nearby lakes.

There is no doubt that this subdivision will have a serious detrimental impact on the area. This impact will be on deer, grouse and other game animals. Unless proper sewage disposal is demanded, a degradation of water quality could result in harm to fisheries resources.

It should be noted that the Stoltze Land and Lumber Company has proposed a covenant to make the entire subdivision a bird and game refuge with all hunting prohibited. In spite of this attempt the adverse affect of the subdivision will eliminate game habitat of high quality resulting in a decrease in game and bird populations. It should also be noted that the Montana Department of Fish and Game is the ONLY lawful agency or agent that can create a game or bird refuge. The Stoltze Land and Lumber Company may have a covenant that prohibits the discharging of a fire arm. With the enforcement of the covenants delegated to lot owners it is doubtful if these covenants would be effective.

Area "B" on the map is an area that may be of questionable use due to high water table and sanitary restrictions. It is recommended that this area be deeded to some public agency so that the public may have access to Swan River and Swan Lake as they have had in the past. This access has been provided by a road that has been used by the public for many years. If this road is to be abandoned and a new road constructed, this new road should be deeded to Lake County and constructed in a manner to gain access to Area "B".



Area "D" is low and has questionable sanitary disposal problems. This Area "D" could be substituted or added to the above recommendation.

The Swan River and Swan Lake area is one that is steeped in early history. Charles Russell visited and painted the area. Other historical features are also present. The area is one of outstanding natural beauty and any further development of the shoreline area will only add to the already aesthetic abuse that has taken place in the past. It is recommended that constraints be placed on design and placements of lots, houses and buildings so that they be compatible with the natural beauty of the area.

This area is an area that has high quality natural resources and as such should be protected from environmental degradation if at all possible. All steps should be taken to minimize adverse impact on the very important game animals, birds, fish and water quality of the area.

A handwritten signature in cursive script that reads "Otis Robbins". The signature is written in dark ink and is positioned above the printed name.

Otis Robbins

OR/ea



STATE OF MONTANA

COMMUNITY DEVELOPMENT BUREAU  
WESTERN MONTANA FIELD OFFICE  
609 SOUTH MCGINNIS AVENUE  
MISSOULA, MONTANA 59801

RECEIVED: 240-0272  
OR  
700-4520

February 20, 1973

Mr. Lloyd F. Meyer, Asst. Chief  
Community Development Bureau  
1421 Ninth Avenue  
Helena, Montana 59601

Dear Lloyd:

This is in response to the Environmental Impact Statements which you sent to us. Although we have not had an opportunity to view the projects on the ground, we have studied and reviewed the statements as best we can. We shall keep the reports on file and should we have an opportunity to view the locations at a later date, we will make every effort to investigate the progress of the developments to try to determine that they are actually proceeding according to the original plan. If we should find any substandard activities, we will make it known to you and the Board of Health.

In regard to Swan Sites No. 2, Subdivision, I would question the 50-foot setback listed in item #5 of the covenants. I would suspect that there is considerable rise as one goes away from the lake. If a building were located only 50 feet from the lake, the drain field would have to be located down-slope from the structure, thus placing the septic tank and drain field too close to the edge of the lake shore. If a large number of homes are built on only a 50-foot setback from the lake, I could foresee lake pollution problems in the near future. The Board of Health regulations even state that drain fields should not be within 100 feet of a lake or stream.

I would also think that it should be required that the exterior siding of all homes, cabins and structures located in this area be stained or painted a dark color to blend with the surroundings. White or light colored trailer houses ✓ in other light colored paints and siding should not be allowed. This development is probably in full view from the Swan Valley Highway, and to allow the shore line and mountain side to become dotted with light colored structures and other intrusions would certainly detract and degrade the present view of the lake and distant mountain backdrop.

Again: Care should also be exercised in locating roads so that visual scars are not left exposed to public view from the east side of the lake and possibly down and down the Swan Valley.



February 20, 1973

Top Soil: Top soil should be stripped, saved and replaced on all disturbed areas. Examples of this would be roadside cuts and fills and also home sites and parking preparations. Without replacement of the fertile, friable, loam, loamy, organic surface soils, scars will never properly heal themselves. Therefore the replacement of top soil should not be misconstrued to be a cumbersome restriction. It is, by all means, a foresight in proper planning and an aid to the individual buyer as well as a credit to the development. Too often people excavate a basement or level a sloping lot in preparation of a new home or cabin. Only after the structure is built do they consider planting grass, trees or shrubs. Then they start to haul in topsoil because they have already buried the topsoil they had to begin with! Re-topsoiled, disturbed areas will heal over in one or two growing seasons, whereas bared areas left without top soil will probably never heal. Re-topsoiling and getting quick vegetative cover at minimal cost reduces erosion and sedimentation that would normally continue for many years.

~~LAKE VIEW PARK ESTATES: Special care should be exercised on road locations and clearing widths for this subdivision as scars could be plainly visible from the town of Lakeside and from Conrad Point. The contour lines on the hillside are running directly away from these developed areas as well as Highway 93 and if road construction and re-vegetation are not properly cared for, permanent scars could develop.~~

~~As mentioned in the statement, this site is located on an area inhabited by grouse and is also a big-game range. Density should be held to a minimum.~~

~~If you should need any further information concerning these developments, please give us a call.~~

Yours truly,

*W. J. Schweyen*  
William J. Schweyen  
Associate Planner







DEPARTMENT OF ANTHROPOLOGY

University of Montana  
Missoula, Montana 59801  
406) 243-0211

February 27, 1973

Mr. David Nunnallee, Public Health Engineer  
Montana State Department of Health  
Box 1031  
Kalispell, Montana 59901

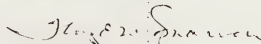
Re: Swan Sites 2, Subdivision

Dear Mr. Nunnallee:

Thank you for notifying me of the impact statement on the proposed Swan Lake subdivision, and the reported Indian materials in the area.

I think (given the information of reported Indian artifacts) it would be best that a brief archaeological reconnaissance be arranged for prior to any construction in the area. As best I can estimate, a one-day survey should suffice for an archaeological reconnaissance. As a guide to monies involved, our organization figures \$100 per day total (all expenses, field work and reports).

Sincerely yours,

  
Floyd W. Sharrock  
Chairman  
Department of Anthropology

FWS:cme

cc: Mr. Fletcher Newby, Mont. Environm. Quality Council, Helena.  
Mr. Dennis Swift, Forester, F.H. Stoltze Land and Lumber  
Co., Columbia Falls.



# Environmental Quality Council

Thomas L. Judge, Governor  
XXXXXXXXXXXXXXXXXXXX

March 20, 1973

Mr. David Nunnallee, P.E.  
Dept. of Health and Environmental Sciences  
P.O. Box 1031  
Kalispell, Montana 59901

Dear Mr. <sup>Dave</sup>Nunnallee:

Thank you for the copies of responses to the draft EIS for Swan Sites No. 2, Lake County.

There is no question, upon reading the comments to the draft, that the area is one of Montana's choicest pieces of real estate from the standpoints of aesthetics, recreation, fish and wildlife values, art, and history. We therefore encourage the developer to do all within its power to establish Swan Sites No. 2 as a model development of its kind for Montana and perhaps the West.

The final impact statement should address all the relevant questions of those who responded, particularly in those areas under the legal jurisdiction of the Department of Health and Environmental Sciences. For example, there is a need to remedy apparent inconsistencies between protective covenants nos. 5 and 9 relating to building setback and displacement of sewage disposal facilities from surface waters. Will a 50-foot setback distance be adequate to insure a 100-foot displacement of drainfields from the lake on lots sloping down to the water's edge? This seems to be a question of overriding importance. Furthermore, will covenant no. 8 effectively prohibit rubbish heaps without external enforcement or prior arrangements for transportation and disposal of solid wastes?

The final statement must give good faith consideration to matters other than public health and water supply, including game habitat, public access, aesthetics of buildings and lots, and items and settings of historic and artistic value. Provisions for mitigating impacts in these areas must be carefully assessed. For example, will covenant no. 7 creating a bird and game refuge amount to more than lip service to wildlife considering habitat destruction and human intrusion, and what will become of Russell's tracings and the site of his unfinished oil, if at all affected by this development?



Mr. David Nunnallee  
March 20, 1973  
page two

Finally, we would encourage you to emphasize the need for legislation and regulations which would insure that certain intangible and presently unprotected aspects of the human environment (e.g., aesthetics or artistic settings, historic sites, and significant archaeologic finds) as well as more practical matters (e.g., solid waste disposal, public access, maintenance of quality habitat for fish and game, and erosion of the agricultural base) are given adequate consideration in all decisions governing subdivision development.

Please get in touch if you have any further questions.

Sincerely yours,

FLETCHER E. NEWBY  
Executive Director

By *Loren L. Bahls*  
Loren L. Bahls, Ph.D.  
Staff Ecologist

FEN/LLB/mb

cc: Mr. Dennis Swift, Forester  
Stoltze Land & Lumber Co.  
Columbia Falls, Montana



## Environmental Quality Council

February 7, 1973

Dr. John S. Anderson, Director  
Dept. of Health and Environmental Sciences  
Helena, Montana

Attention: Mr. David Nunnallee

Dear Dr. Anderson:

Your environmental impact statement for Swan Sites No. 2 has been received by this office and reviewed for the Council by the undersigned, prompting the following comments and questions.

We note that protective covenant number 8 prohibits rubbish heaps yet nowhere in the statement are there provisions for collection, transport and ultimate disposal of solid wastes. This covenant will obviously have little effect unless alternative means are provided for the disposition of solid wastes. Will an approved sanitary landfill be available to residents of the site, and if so, who will be responsible for collecting and transporting waste?

Thank you for your efforts toward compliance with the Montana Environmental Policy Act.

Sincerely yours,

FLETCHER E. NEWBY  
Executive Director

By Loren L. Bahl's  
Loren L. Bahl's, Ph.D.  
Staff Ecologist

FEN/LLB/mb

cc: Dan Vichorek





UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
Swan Lake Ranger District  
Bigfork, Montana 59911

REPLY TO: 1900

February 16, 1973

SUBJECT: Environmental Statement, Swan Site #2  
Subdivision

TO: State Department of Health &  
Environmental Sciences  
P. O. Box 1031  
Kalispell, Mt. 59901



Following are my comments on the Swan Site #2 subdivision:

The Forest Service is about to complete a land use plan for the National Forest Land in the lower Swan Drainage. Many of our inventories during this planning process overlapped onto private land, including the area covered by this subdivision. The following information came to light during our inventory:

1. The area of the subdivision is whitetail deer winter range. These animals are being pushed back from their original range with each new development. The value of this winter game range will most certainly be reduced as a result of this subdivision.
2. Management by the Montana Fish and Game and the Forest Service in and around Swan Lake is changing somewhat as more lake shore tracts are developed. There is presently only one public boat launch site on Swan Lake. Unless some other means of controlling boat traffic is applied, it is very likely that this will be the only public launch site. When estimating the boating capacity of the lake, all launch sites, public and private, must be considered. Swan Lake is rapidly approaching a saturation level for potential boating traffic based on the total number of launch sites. The Forest Service cannot knowingly contribute to exceeding the capacity of the lake regardless of the need for public boating access.

A general question which comes to mind is this. If there is a 50 foot set back requirement for building (from the lake), does this mean that, with gravity sewage systems, some 50 septic tanks and drain fields could very possibly be located less than 50 feet from the lake shore? ✓

Bigfork, Montana, gets its water from this same source.

*John R. Gibson*  
JOHN R. GIBSON  
Acting District Ranger



(m)

February 28, 1973

Mr. Sam Gilluly, Director  
Montana Historical Society  
225 N. Roberts  
Helena, Mont. 59601

Dear Mr. Gilluly:

Thank you for the copy of your letter of February 27<sup>th</sup> to Mr. David Nunnallee, referring to the former Con Kelly estate on Swan Lake.

I thought it best that I write you to clarify the situation and thereby eliminate possible confusion.

Swan Sites No. 2 is proposed for a portion of the west side of Swan River and Swan Lake. The "Patio" and buildings you referred to are on the East side of the lake, directly across from part of the proposed Swan Sites No. 2. F.H. Stoltze Land and Lumber Company does not own these buildings which includes approximately forty acres in the immediate area of the buildings.

As far as I know, the petroglyphs you mentioned are still intact, although I haven't been in to look at them for a couple of years.

Sincerely,

F.H. Stoltze Land & Lbr. Co.

DS:dh

cc: David Nunnallee  
State Dept. of Health  
Kalispell, Mt.

Nel Ruder  
Hungry Horse News  
Columbia Falls, Mt.

Dennis Swift  
Forester





MONTANA HISTORICAL SOCIETY  
*Founded 1867*

325 N. ROBERTS

PHONE (406) 440-2094

HELENA, MONTANA 59601

February 27, 1973

Mr. David Nunnallee, P.E.  
Public Health Engineer  
State Department of Health and Environmental Sciences  
P. O. Box 1031  
Kalispell, Montana 59901

Dear Mr. Nunnallee:

Thank you for your letter concerning the Swan Sites No. 2 Subdivision.

While interesting, the Montana Historical Society's prime concern is not with area "D" you mention, which is known as Hodges Landing.

We do have a great interest in "Area C," the location of the old Cornelius F. Kelley summer estate.

I am enclosing a copy of part of Page 103 from "Anaconda," by Isaac F. Marcossou, which explains in part our interest. It also outlines how the Historical Society acquired the Russell painting, which is known as "the last Russell."

"Area C," specifically, the patio at or near the Kelley home, contains a prime example of Russell art that should be preserved. I refer to petroglyphs, tracings made by Charles M. Russell in the wet, fresh concrete of the patio in the early '20s. The Society does have some copies of these petroglyphs from tracings, notably a snail and an axolotl. The concrete work is quite different from Russell's usual work, but nevertheless is authentic Russell art and should be preserved or removed carefully so that it can be preserved. A member of our Board of Trustees, Mr. Branson Stevenson of Great Falls, made the tracings.

I am hopeful that something may be done toward preservation of what is valuable both from art and historical standpoints.

If you have any additional questions, be sure to call or write me.

Sincerely,

  
Sam Gilluly, Director

SG/vk

Enclosure

CC: with copy of enclosure to:

Fletcher Newby, Montana Environmental Quality Council, Helena  
Mr. Dennis Swift, Forester, F. H. Stoltze Land & Lumber Co., Columbia Falls  
Mel Ruder, Hungry Horse News, Columbia Falls  
Branson Stevenson



From Page 103 of "Anaconda," by Isaac F. Marcossion

"Evans (Lewis Orvis Evans, who in 1909 succeeded Kelley as general counsel for Anaconda) was responsible for the establishment of Kelley's sylvan retreat at Swan Lake located in an unspoiled area of the Flathead country. Evans, an enthusiastic fisherman, had discovered the place on one of his piscatorial expeditions. The heavily forested region, on the shore of Swan Lake, was ideal for rest and recreation. Originally Evans occupied a cabin in an area by the original homesteader. When the Kelleys visited the place, they were enchanted with it. In 1915 Evans and Kelley undertook a joint occupation of a 137 area (sic) (acre) clearing, occupying log cabins that fitted into the atmosphere of the secluded spot. Later each went on his own. Kelley constructed a group of cabins, rustic on the outside but with every comfort within. Evans was his next door neighbor. Kelley expanded his holdings until today he has a domain of 7,000 acres. Here he retires every summer to rest amid the peace and seclusion of a spot that invites solace and meditation."

The large painting owned now by the Montana Historical Society, titled "Kootenai Camp on Swan Lake," was presented to the Society by Mr. Kelley's daughter, Mrs. John C. Wood of New York City, and by a son-in-law, George Hepburn of Beverly Hills, California. This was commissioned by Cornelius F. Kelley and actually shows the site of the Kelley summer retreat on Swan Lake. It is sometimes referred to as "the unfinished Russell." Russell began work on this probably in 1925, did some additional work in 1926, but died in October, 1926, leaving it uncompleted and unsigned. It is approximately 31 by 92 inches.

Many other objects of art and Indian artifacts have come to the Society from Mr. Kelley's heirs.

Mr. Kelley died May 12, 1957.

